

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SUNPOWER CORPORATION,  
Plaintiff(s),

CASE NO. C12-00694 LHK

v.

STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS

SOLARCITY CORPORATION, ET AL,  
Defendant(s).

/

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

**Court Processes:**

- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

*(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)*

**Private Process:**

Private ADR (please identify process and provider) Private Mediation, Provider To Be Determined

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The parties agree to hold the ADR session by:

the presumptive deadline (*The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.*)

other requested deadline \_\_\_\_\_

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Dated: May 30, 2012

/s/ Boris Zelkind  
Attorney for Plaintiff

Dated: May 30, 2012

/s/ Ulrico S. Rosales  
Attorney for Defendant  
SOLARCITY CORPORATION

Dated: May 30, 2012

/s/ David R. Burt  
Attorney for Defendants  
TOM LEYDEN; MATT GIANNINI;  
DAN LEARY; FELIX AGUAYO;  
and ALICE CATHCART

CONTINUE TO FOLLOWING PAGE

### **SIGNATURE ATTESTATION**

Pursuant to General Order 45, I hereby attest that concurrence in the filing of the foregoing document has been obtained from each of the signatories above.

/s/ Boris Zelkind  
Boris Zelkind

### **[PROPOSED] ORDER**

- The parties' stipulation is adopted and IT IS SO ORDERED.
- The parties' stipulation is modified as follows, and IT IS SO ORDERED.

Dated: May 31, 2012

  
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HONORABLE LUCY H. KOH  
UNITED STATES JUDGE

When filing this document in ECF, please be sure to use the appropriate Docket Event, e.g., "Stipulation and Proposed Order Selecting Mediation."